

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

)	
UNITED STATES OF AMERICA,)	
)	
v.)	Criminal No. 3:12:CR131-01
)	
JOSE ARMANDO BRAN,)	
)	
Defendant.)	
_____)	

**SUPPLEMENTAL POSITION OF THE UNITED STATES ON
TENTATIVE EXCUSES FOR CAUSE/ QUESTIONS**

The United States, by counsel, hereby states its position on the Court's Tentative Excuses for Cause/ Questions issued by the Court on April 29, 2013.

The United States has no objection to excusing the following jurors identified by the defendant as warranting excuse for cause: 14, 41, 43, 51, 67, 71, 93, 107, 133, 149, 150, 164, 166, 176, 178, 195, 201, 203, 221, 224, 226, 230, 237, and 245.

The United States objects to excusing the following jurors for cause: 26, 65, 101, 144, 169, 172, 224, and 251. Each of these jurors answered every item on question 40 in a manner that indicates that they could not follow basic presumptions of our justice system. However, the fact that these jurors got all four items, 40(a)-(d), coupled with the placement of a negative in the premise statement, may have confused these jurors about what they were in fact indicating. The government believes that these jurors should at least be given the opportunity to answer these questions again to test whether the issue is one of belief or one of a simple mistake.

Finally, the United States separately submits that the following jurors should also be excused for cause.

Juror 142: This juror should be excused for cause because this juror states, in questions 15-16, that he/she has feelings, based on race or national origin that would interfere with his/her ability to reach a fair verdict.

Juror 197: This juror should be excused for cause as the juror indicates, in question 21, that he/she has problems understanding the English language such that it may interfere with the juror's ability to serve. Additionally, this juror stated in question 41(a) that he/she has difficulty with the concept of the presumption of innocence.

Juror 4: This juror should be excused for cause as the juror states, in questions 15-16, that he/she has feelings based on race or national origin that would interfere with his/her ability to reach a fair verdict.

Juror 100: This juror should be excused for cause as he is a friend of Cary Bowen, John Rockecharlie's law partner.

Respectfully submitted,

Neil H. MacBride
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By: _____/s/_____
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CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of May, 2013, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF filing system which will then send a notification of such filing (NEF) to counsel of record.

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